REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 2 and 4-18 are pending in this application. Claims 1, 2, 4, 9 and 18 stand rejected. Claims 5-8 and 10-17 are withdrawn from consideration as being drawn to a non-elected invention.

Claim 4, which previously depended from cancelled claim 3, has been amended to depend from claim 1. All other claims are unamended.

Claim Rejections – 35 U.S.C. §102

Claims 1-2, 4, 9 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by **Minami** (USP 6,710,816, previously cited). For the reasons set forth in detail below, this rejection is respectfully traversed.

On pages 2 and 3, Item 1 of the Office Action, the Examiner responds to the patentability arguments set forth in the response filed March 2, 2005. In the Response to Arguments, the Examiner asserts that **Minami's** disclosure of a "waiting time" as a time required to collect a sufficient amount of data is enough to anticipate the claimed invention, and further asserts that "the terminating of the waiting time is not needed in rejecting of claim 1." See Office Action, page 2, lines 13-20, and particularly lines 14-15 and 19-20.

Further, with respect to claim 18, the Examiner asserts that the passage in column 9, lines 15-26 of **Minami** makes it "clear that the image data decoding unit of **Minami** monitors the sufficient data and the control unit of **Minami** receives information (sufficient data) indicating

whether said amount of said first image coded data extracted by said first tuning unit has reached said certain amount, [from] said first image decoding unit."

As discussed below, first, it is respectfully submitted that the interpretation of the **Minami** reference set forth in the Office Action is inaccurate. Second, it is respectfully submitted that the Examiner is ignoring the requirements regarding what a reference must teach to be a proper reference under §102, and the rejection is therefore improper under §102.

It is well settled that anticipation under §102 is established only if *all of the elements* of an invention, as stated in the claim, are identically set forth in a single prior art reference. Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 703 f. 2d 1452, 1458 (Fed. Cir. 1984).

Claim 1 recites that the control unit determines whether or not it is possible to generate an image signal in accordance with first image coded data generated by a first image data decoding unit "*based on a determination as to whether an amount of said first image coded data extracted by said first tuning unit has reached a certain amount that allows a normal reproduction.*"

As noted above, the Examiner asserts that "[the] sufficient amount of data is enough to anticipate the claimed limitation" (Office Action, page 2, lines 14-15). However, **Minami** does not disclose or suggest that a determination, as recited in claim 1, is performed. In fact, the only thing **Minami** suggests is that the waiting time is *preset* or *predetermined* period of time. Specifically, **Minami** discloses that the length of reception of respective channels stored in memory 33 is set so as to be nearly equal to the waiting time caused by the changing-over of channels (column 8, line 63 to column 9, line 4). Thus, in order to set the length of reception of

the respective channels stored in memory 33 to be nearly equal to the waiting time, it is necessary to know what the waiting time is ***before*** storing the signals for respective channels in memory 33. In other words, the waiting time must be known beforehand or is predetermined.

Further, **Minami** determines whether a signal from the main receiving unit 25 is output *based upon a determination as to whether the waiting time has lapsed*, and not based on a determination as to whether an amount of data extracted by the main receiving unit 25 has reached a certain amount that allows normal reproduction (see column 9, lines 43-46 of **Minami**).

Moreover, although **Minami** suggests that the length of the waiting time is selected to be a time such that sufficient data for rearranging the interleave is collected (column 9, lines 21-25), this is not inconsistent with and does not contradict the fact that the waiting time is a predetermined amount of time.

Still further, the assertion that the "terminating of the waiting time is not needed in rejecting claim 1" ignores the requirements of §102 that anticipation is established only if all elements of the invention, as stated in the claim, are identically set forth in the prior art reference. More specifically, according to **Minami**, the termination of the waiting time is the event that triggers the main receiving unit 25 to output a signal (column 9, lines 42-46). However, in order for the claimed invention to read on the **Minami** reference, the termination of the waiting time must be based on a determination as to whether an amount of said first image coded data extracted by said first tuning unit has reached a certain amount that allows a normal reproduction. At best, **Minami** suggests that the waiting time is terminated after a predetermined

amount of time. **Minami** does not disclose or suggest or hint that the waiting time is terminated based on a determination as to an amount of first image coded data extracted by a first tuning unit.

In the absence of disclosure or suggestion of the above features, the rejection under §102 is improper and should be withdrawn.

Further, as noted above, the Examiner's position with respect to claim 18 is that because **Minami** discloses that a certain amount of time (waiting time) is required after selection of a new channel so that sufficient data for rearranging the interleave can be collected, it is clear that the decoding unit of **Minami** monitors the sufficient data and the control unit receives indication whether the amount of extracted data has reached a certain amount.

However, there is absolutely no disclosure or suggestion in the **Minami** reference that the decoding unit 37 monitors the generation status of data from the main receiving unit 25. Further, there is absolutely no disclosure or suggestion that the control unit 41 of **Minami** receives information from the decoding unit 37 indicating whether the amount of data extracted by the main receiving unit 25 has reached a certain amount. It is respectfully submitted that these features are clearly missing from the **Minami** reference, and the Examiner is reading these features into the reference without support.

Therefore, the Examiner is respectfully requested to point out why the features of claim 18 are clear from the passage set forth in column 9, lines 15-26 of **Minami.**

Further, as explained in detail above with respect to claim 1, at most **Minami** suggests that the waiting period is a predetermined amount of time that is not dependent on the amount of

image coded data extracted by the main receiving unit. The Examiner is respectfully requested to point out where **Minami** specifically discloses that the decoding unit 37 monitors the generation status of the data output by the main receiving unit 25.

In the absence of the features noted above, **Minami** cannot anticipate the claimed invention under §102. Reconsideration and withdrawal of the rejection under §102 are respectfully requested.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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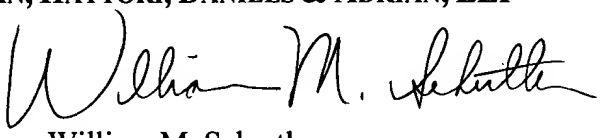

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